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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

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May 15, 2012

HONORABLE CITY COUNCIL
Oakland, California

President Reid and Members of the City Council:

Subject: Tonie Irving v. . City of Oakland, Frank Foster and Does 1 through 10
Alameda County Superior Court Case No. RG11572124
Our Matter No. 27926 (Public Works - Rear-End Vehicle)

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action for the sum of Twelve Thousand Dollars and No Cents (\$12,000), payable to Tonie Irving.

This action arises out of an automobile accident on June 1, 2010 which, it is alleged, was caused by the negligent driving of a City employee. Settlement of this matter is recommended to avoid the risk of a more adverse jury verdict. This matter was not heard in closed session.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Attorney assigned:
Carolyn O. Tsai

Doc. No.: 921722



Approved as to Form and Legality

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RESOLUTION NO. _____ C.M.S.

COT:ljb

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF TONIE IRVING v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG11572124, CITY ATTORNEY'S FILE NO. 27926, IN THE AMOUNT OF TWELVE THOUSAND DOLLARS AND NO CENTS (\$12,000.00). (PUBLIC WORKS - REAR-END VEHICLE)

WHEREAS, on June 1, 2010, Plaintiff Tonie Irving suffered property damage and personal injuries when her vehicle was rear-ended by a public works vehicle, and

WHEREAS, Plaintiff Tone Irving has filed a lawsuit against the City of Oakland to recover her damages, and

WHEREAS, the City of Oakland has determined that settlement in this amount, without an admission of liability, is in the best interest of the City; and now therefore, be it

RESOLVED: that the City Attorney is authorized and directed to settle the matter of Tonie Irving. City of Oakland, Alameda County Superior Court Case No. RG11572124, City Attorney File No. 27926, for the sum of Twelve Thousand Dollars and No Cents (\$12,000) payable to Tonie Irving; and be it

FURTHER RESOLVED: that the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: that the sum of Twelve Thousand Dollars and No Cents (\$12,000), payable to Tonie Irving.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012.

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, BRUNNER, and
PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the
Council of the City of Oakland, California